

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA**

DENNIS WAYNE CARLYLE,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	1:11-cv-1151-JMS-DKL
	)	
MICHAEL FOGARTY, et al.,	)	
	)	
Defendants.	)	

**Entry Discussing Motion to Appoint Counsel**

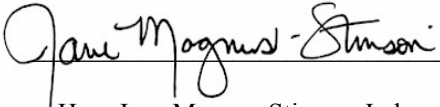
The plaintiff's motion for appointment of counsel has been considered. The plaintiff asserts that he has been unsuccessful in recruiting representation on his own. Although the court concludes, based on the above filing, that the plaintiff has made a reasonable effort to secure representation, he should continue his own effort.

The court proceeds to the second inquiry required in these circumstances. The court's task in this second inquiry is to analyze the plaintiff's abilities as related to "the tasks that normally attend litigation: evidence gathering, preparing and responding to motions and other court filings, and trial." *Pruitt v. Mote*, 503 F.3d 647, 654-55 (7th Cir. 2007). Accordingly, the question is not whether an attorney would help the plaintiff's case, but whether, given the difficulty of the case, the plaintiff seems competent to litigate it himself. *Id.* at 653-655. At this point, and based on the plaintiff's comprehensible filings, his use of the court's processes, his familiarity with both the factual circumstances surrounding his claims and with the legal issues associated with those claims, the plaintiff is competent to litigate on his own.

Based on the foregoing, therefore, the plaintiff's motion for appointment of counsel (dkt 25) is **denied**.

**IT IS SO ORDERED.**

Date: 01/05/2012

  
Hon. Jane Magnus-Stinson, Judge  
United States District Court  
Southern District of Indiana

**Distribution:**

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